

LAW OFFICES  
**LEYDIG, VOIT & MAYER, LTD.**  
TWO PRUDENTIAL PLAZA, SUITE 4900  
CHICAGO, ILLINOIS 60601-6780

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAY 01 2006**

TELEPHONE: (312) 616-5600

FAX: (312) 616-5700 (G3)  
(312) 849-0495 (G4)**FAX TRANSMITTAL SHEET**

DATE: MAY 1, 2006

NUMBER OF PAGES (INCLUDING  
THIS FAX TRANSMITTAL SHEET): 14

LVM REFERENCE: 223416

FROM: CHRISTOPHER T. GRIFFITH

DIRECT LINE: (312) 616-5600

REGISTRATION NO. 33,392

TO: MAIL STOP AMENDMENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

FAX NUMBER: (571) 273-8300

IN RE APPLN. OF: DESAI ET AL.  
APPLICATION NO. 10/616,709  
FILED: JULY 10, 2003  
ATTORNEY DOCKET: 223416

**ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:**  
TRANSMITTAL LETTER (1 PAGE IN DUPLICATE)  
RESPONSE TO OFFICE ACTION (11 PAGES)

A confirmation copy of the transmitted document will:

☒ Not be sent. This will be the only form of delivery of the transmitted document.

The information contained in this fax transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or fax. Thank you.

**BEST AVAILABLE COPY**

FORM PTO-1083

**PATENT**  
 Attorney Docket No. 223416  
 Date: May 1, 2006

In re Application of: Desai et al.  
 Application No. 10/616/709  
 Filed: July 10, 2003  
 For: PROPOFOL FORMULATIONS WITH NON-REACTIVE CONTAINER CLOSURES

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**RECEIVED**  
**CENTRAL FAX CENTER**

MAY 01 2006

Sir:

Transmitted herewith is a reply to office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY	OTHER THAN A SMALL ENTITY		
TIME EXTENSION PETITION FEE			four-month		\$ 0.00	\$1,590.00		
subtract time extension fee previously paid			none		(\$ 0.00)	(\$ 0.00)		
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	64	MINUS	64	= 0	x 25 =	\$	x 50 =	\$
INDEPENDENT	3	MINUS	3	= 0	x 100 =	\$	x 200 =	\$
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT &amp; MAYER, LTD.

By

Christopher T. Griffith, Reg. No. 33,392

Leydig, Voit & Mayer, Ltd.  
 Two Prudential Plaza, Suite 4900  
 180 North Stetson Avenue  
 Chicago, Illinois 60601-6780  
 (312) 616-5800 (telephone)  
 (312) 616-5700 (facsimile)

Amendment or ROA Transmittal (Revised 5/9/05)

BEST AVAILABLE COPY

FORM PTO-1083

**PATENT**  
Attorney Docket No. 223416  
Date: May 1, 2006

In re Application of: Desai et al.  
Application No. 10/616/709  
Filed: July 10, 2003  
For: PROPOFOL FORMULATIONS WITH NON-REACTIVE CONTAINER CLOSURES

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAY 01 2006**

Sir:

Transmitted herewith is a reply to office action in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☐ Other:
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
TIME EXTENSION PETITION FEE			four-month		\$ 0.00		\$1,590.00	
subtract time extension fee previously paid			none		(\$ 0.00)		(\$ 0.00)	
CLAIM FEE	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADD'L CLAIM FEE	RATE	ADD'L CLAIM FEE
TOTAL	64	MINUS	64	= 0	x 25 =	\$	x 50 =	\$
INDEPENDENT	3	MINUS	3	= 0	x 100 =	\$	x 200 =	\$
<input type="checkbox"/>	FIRST PRESENTATION OF MULTIPLE CLAIM				+ 180 =	\$	+ 360 =	\$
TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT					TOTAL	\$	TOTAL	\$

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT &amp; MAYER, LTD.

By   
Christopher T. Griffith, Reg. No. 33,392

Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Amendment or ROA Transmittal (Revised 5/9/05)

**BEST AVAILABLE COPY**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/616,709

Applicant: DESAI, et al.

Filed: July 10, 2003

TC/AU: 1654

Examiner: Teller, Roy R.

Docket No.: 223416

Customer No.: 23460

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER

MAY 01 2006

## REPLY TO OFFICE ACTION

Sir:

In reply to the Office Action dated December 30, 2005, please enter the following amendments and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Virginia Schefke		
Signature	Virginia Schefke	Date	May 1, 2006